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# A BILL FOR AN ACT

RELATING TO HAWAIIAN PLANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the use of Hawaiian  
2 plants in landscaping is fundamental to preserving and fostering  
3 a Hawaiian sense of place in our neighborhoods and communities.  
4 Historically, each island, moku, and ahupua'a supported varied  
5 and diverse Hawaiian plant life. The connections between  
6 certain areas and certain plants hold cultural significance and  
7 reflect an ecological balance achieved through long-term  
8 adaptation to specific local environments.

9       The relatively recent influx of non-native plant species  
10 and invasive plant species has transformed Hawai'i's urban and  
11 natural environment. Some invasive plants have displaced and  
12 endangered Hawai'i's native plants and animals. Notably, state  
13 landscaping projects have continued to utilize and propagate  
14 some of these more recently introduced plants, notwithstanding  
15 the importance of Hawaiian plants to biodiversity, ecological  
16 stability, and a cultural sense of place.



1       Accordingly, the legislature finds that publicly-funded  
2   landscaping should embody the cultural and ecological heritage  
3   of the place in which the landscaping is located through the use  
4   of Hawaiian plants associated with each project area. The  
5   legislature further finds that a place-based approach to  
6   landscaping on the local level is important and desirable for  
7   cultural preservation, biodiversity, biosecurity, and ecosystem  
8   management.

9       The purpose of this Act is to amend the state public  
10   procurement code to require that all publicly-funded landscaping  
11   projects include a minimum percentage of Hawaiian plants in  
12   order to contribute to a Hawaiian sense of place, to reduce the  
13   use of non-native invasive plant species, and to support the  
14   preservation of Hawai'i's cultural and ecological heritage.

15       SECTION 2. Section 103D-408, Hawaii Revised Statutes, is  
16   amended to read as follows:

17       " ~~[+] §103D-408 []—Indigenous and Polynesian-introduced]~~  
18   Hawaiian plants; use in public landscaping. (a) ~~[Wherever and~~  
19   ~~whenever feasible,]~~ Subject to the exceptions in subsections (d)  
20   and (e), all plans, designs, and specifications for new or  
21   renovated landscaping of any building, complex of buildings,



1 facility, complex of facilities, or housing developed by the  
2 State with public moneys shall incorporate [~~indigenous land~~  
3 ~~plant species as defined in section 195D-2, and plant species~~  
4 ~~brought to Hawaii by Polynesians before European contact, such~~  
5 ~~as the kukui, noni, and coconut;~~] Hawaiian plants; provided  
6 that:

7 (1) Suitable cultivated plants can be made available for  
8 this purpose without jeopardizing wild plants in their  
9 natural habitat; [~~and~~]

10 (2) Wherever and whenever possible, [~~indigenous~~] Hawaiian  
11 plants shall be used for landscaping on the island [or  
12 islands on] and ahupua'a in which the species  
13 [~~originated.~~] was found or known to occur prior to  
14 European contact;

15 (3) Wherever and whenever feasible, Hawaiian plants used  
16 for landscaping pursuant to this section shall be  
17 sourced from the island on which they are used; and

18 (4) Wherever and whenever feasible, when non-Hawaiian  
19 plants are proposed for use in landscaping pursuant to  
20 this section, the offeror shall use the invasive



1 species council's Hawaii-Pacific weed risk assessment  
2 system in selecting any such plant species.

3 (b) Each plant or group of plants used pursuant to  
4 subsection (a) shall be clearly identified with signs for the  
5 edification of the general public.

6 (c) Subject to subsection (d), the timetable for the  
7 incorporation of Hawaiian plants pursuant to subsection (a)  
8 shall be as follows:

9 (1) By January 1, 2019, Hawaiian plants shall constitute a  
10 combined minimum of ten per cent of the total plant  
11 footprint for landscaping plans, designs, and  
12 specifications pursuant to subsection (a);

13 (2) By January 1, 2025, Hawaiian plants shall constitute a  
14 combined minimum of twenty-five per cent of the total  
15 plant footprint for landscaping plans, designs, and  
16 specifications pursuant to subsection (a); and

17 (3) By January 1, 2030, Hawaiian plants shall constitute a  
18 combined minimum of thirty-five per cent of the total  
19 plant footprint for landscaping plans, designs, and  
20 specifications pursuant to subsection (a).



1        (d) For the purposes of calculating the minimum percentage  
2 of the total plant footprint for landscaping required under  
3 subsection (c), the total plant footprint shall exclude:

4        (1) Landscaped areas of sand, turf grass, sod, hydroseed,  
5 hydromulch, or stolons;

6        (2) The footprint of exceptional trees designated under  
7 chapter 58, and street trees; and

8        (3) Additional landscaped areas, not within the  
9 conservation land use district, within a county as  
10 determined by the county zoning agency, including but  
11 not limited to landscaping necessary for erosion  
12 control.

13       (e) This section shall not apply to landscaping associated  
14 with a significant historic property designated under section  
15 6E-2 and its implementing regulations.

16       (f) For purposes of this section:

17       "Hawaiian plants" means any plant species, including land,  
18 freshwater, and marine plant species, growing or living in  
19 Hawai'i without having been brought to Hawai'i by humans; or any  
20 plant species, including land, freshwater, and marine plant



1 species, brought to Hawai'i by Polynesians before European  
2 contact, such as kukui, kalo, wauke, niu, noni, and kamani."

3       SECTION 3. This Act shall not be applied so as to impair  
4 any contract existing as of the effective date of this Act in a  
5 manner violative of either the Hawaii State Constitution or  
6 article I, section 10, of the United States Constitution.

7       SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9       SECTION 5. This Act shall take effect on June 30, 2016.



**Report Title:**

OHA Package; Hawaii Plants; Public Landscaping

**Description:**

Subject to exceptions, requires all plans, designs, and specifications for new or renovated landscaping of State-developed buildings, complexes, facilities, or housing to incorporate Hawaiian plants. (HB206 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

